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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,388	09/26/2003	Beatrice Toumi	05725.1243-00000	2739

22852 7590 03/30/2007
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
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EXAMINER

MERCIER, MELISSA S

ART UNIT	PAPER NUMBER
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1615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/670,388

Applicant(s)

TOUMI ET AL.

Examiner

Melissa S. Mercier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-140 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-140 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species:

ID of first block and second block, each separately:

- a. a block with a T_g of greater than or equal to 40C
- b. a block with a T_g of less than or equal to 20C
- c. a block with a T_g of between 20 and 40C

If Applicant elects a, the following additional election is required:

ID of at least one monomer:

- aa. methacrylates of formula $\text{CH}_2 = \text{C}(\text{CH}_3)\text{-COOR}_1$,
- bb. acrylates of formula $\text{CH}_2 = \text{CH-COOR}_2$
- cc. Meth-acrylamides of formula in Claim 14
- dd. Methyl methacrylate
- ee. isobutyl methacrylate
- ff. isobornyl methacrylate

If Applicant elects Group b, the following additional election is required:

ID of at least one monomer:

- aa. acrylates of formula $\text{CH}_2 = \text{CHCOOR}_3$,
- bb. methacrylates of formula $\text{CH}_2 = \text{C}(\text{CH}_3)\text{-COOR}_4$,

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cc. vinyl esters of formula $R5-CO-O-CH=OH2$

dd. C4 to C12 alcohol and vinyl alcohol ethers

ee. N-(C4 to C12)alkyl acrylamides.

ID of additional monomer:

a. hydrophilic monomers comprising at least one silicon atom

b. ethylenically unsaturated monomers comprising at least one silicon atom

c. ethylenically unsaturated monomers comprising at least one carboxylic or sulphonic acid function,

d. methacrylates of formula $CH2=C(CH3)-COOR6$

e. methacrylates of formula $CH2=C(CH3)-COOR9$,

f. acrylates of formula $OH2=CHCOOR10$,

g. a polyoxyethylenated group comprising from 5 to 30 ethylene oxide units, and

h. ethylenically unsaturated monomers comprising at least one tertiary amine function.

i. acrylic acid, methacrylic acid, and trifluoroethyl methacrylate

ID of organic solvent:

a. ketones that are liquid at room temperature;

b. alcohols that are liquid at room temperature;

c. glycols that are liquid at room temperature;

d. propylene glycol ethers that are liquid at room temperature;

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- e. cyclic ethers;
- f. short-chain esters containing from 3 to 8 carbon atoms in total;
- g. ethers that are liquid at room temperature;
- h. alkanes that are liquid at room temperature;
- i. alkyl sulphoxides;
- j. aldehydes that are liquid at room temperature;
- k. heterocyclic compounds;
- l. propylene carbonate or ethyl 3-ethoxypropionate.

The species are independent or distinct because the differing combinations that can be elected will result in materially different compositions with materially different properties, structures and functions.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-9 generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations

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of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

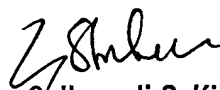
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa S. Mercier whose telephone number is (571) 272-9039. The examiner can normally be reached on 7:30am-4pm Mon through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (571) 272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Group 1600